

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)**

**XEROX CORPORATION**

**Plaintiff**

**v.**

**PHOENIX COLOR CORPORATION, *et al***

**Defendants**

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**Civil Action No.:**

**WDQ 02 CV 1734**

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**PLAINTIFF'S MOTION TO WITHDRAW IT'S MOTION TO STRIKE PHOENIX  
COLOR'S AMENDED ANSWER AND COUNTERCLAIM**

Xerox Corporation ("Xerox"), Plaintiff, by and through its attorneys, Sidney S. Friedman, Rosemary E. Allulis, and Weinstock, Friedman & Friedman, P.A., hereby files this Motion to Withdraw It's Motion to Strike Phoenix Color's Amended Answer and Counterclaim, and for cause states:

1. After Plaintiff filed it's Motion to Strike, counsel for Defendant Phoenix Color contacted counsel for Plaintiff, and indicated that there had been a filing error.
2. Apparently, the Amended Answer and Counterclaim were both "proposed" pleadings, which should have been docketed as attachments to Defendant's Motion.
3. Because the amended pleadings have now been correctly docketed as proposed amendments, Plaintiff's motion has become moot.

WHEREFORE, Xerox Corporation, Plaintiff respectfully requests this Honorable Court to:

- A. Grant Plaintiff's Motion to Withdraw It's Motion to Strike Phoenix Color's Amended Answer and Counterclaim.

Respectfully Submitted,

WEINSTOCK, FRIEDMAN  
& FRIEDMAN, P.A.

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Sidney S. Friedman

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Rosemary E. Allulis  
Attorneys for Plaintiff  
Executive Centre  
4 Reservoir Circle  
Baltimore, Maryland 21208-7301  
(410) 559-9000

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**ORDER**

Upon consideration of the corrected docket entries, and Plaintiff's Motion to Withdraw It's Motion to Strike Phoenix Color's Amended Answer and Counterclaim, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2003, hereby

**ORDERED:** That Plaintiff's Motion to Withdraw It's Motion to Strike Phoenix Color's Amended Answer and Counterclaim, is **GRANTED**.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge,  
United States District Court  
for the District of Maryland

cc:

Sidney S. Friedman  
Weinstock, Friedman & Friedman, P.A.  
Executive Centre  
4 Reservoir Circle  
Baltimore, Maryland 21208-7301

John R. Wellschlager  
Robert A. Gaumont  
Piper Rudnick, LLP  
6225 Smith Avenue  
Baltimore, Maryland 21209

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2003, a copy of the foregoing Plaintiff's Motion to Withdraw It's Motion to Strike Phoenix Color's Amended Answer and Counterclaim and a proposed Order, were electronically filed, and mailed first class mail, postage pre-paid to: John R. Wellschlager, Robert A. Gaumont, Piper Rudnick, LLP, 6225 Smith Avenue, Baltimore, Maryland 21209.

WEINSTOCK, FRIEDMAN  
& FRIEDMAN, P.A.

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Sidney S. Friedman

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The Executive Centre  
4 Reservoir Circle  
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Attorneys for Plaintiff